

# **Exhibit “D”**

# ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CIVIL ACTION  
CYTEC INDUSTRIES,  
INC., FORD MOTOR  
COMPANY, SPS  
TECHNOLOGIES LLC  
and TI GROUP  
AUTOMOTIVE SYSTEMS  
LLC

Plaintiffs

V

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION,  
ET AL.

Defendants NO.  
02-CV-3830 (LDD)

Oral deposition of GORDON  
R. JAMIESON, PG, taken at the law  
offices of Ballard Spahr, Andrews &  
Ingersoll, LLP, 1735 Market Street  
42nd Floor, Philadelphia, PA, on  
Wednesday, December 20, 2006,  
at 9:34 a.m. before Jennifer  
Bermudez, a Registered Professional  
Reporter, and Notary Public, pursuant  
to notice.



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	GROUNDWATER MODEL REPORT	
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1 correct?

2 MR. PETTIT: Objection to  
3 the form.

4 THE WITNESS: Repeat the  
5 question, please.

6 BY MS. TROJECKI:

7 Q. Do you have any opinion  
8 whatsoever regarding what nonmetal  
9 bearing acid wastes are?

10 A. Simply from what I have  
11 read from things like Mr. Curley's  
12 deposition, that they were different  
13 types of acids, mostly nonmetal  
14 bearing acids.

15 Q. Were you asked to do any  
16 kind of analysis into what Ashland's  
17 waste streams may have been in this  
18 matter?

19 A. No, I wasn't. No.

20 Q. Were you asked to determine  
21 what types of Ashland's waste  
22 products may have gone to the  
23 Boarhead Farms site?

24 A. Was I asked to? Can you



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1 repeat the question, please.

2 MS. TROJECKI: Can you  
3 repeat that.

4 (The court reporter read  
5 back the following:

6 "Q. Were you asked to  
7 determine what types of Ashland's  
8 waste products may have gone to the  
9 Boarhead Farms site?")

10 THE WITNESS: No.

11 BY MS. TROJECKI:

12 Q. And does the Expert Report  
13 that's in front of you apply to any  
14 type of Ashland waste stream other  
15 than nonmetal bearing acid wastes?

16 A. Not that I'm aware of.

17 Q. Can you turn to Page 3 of  
18 your opinion, or your report I should  
19 say.

20 A. Yes.

21 Q. Looking at Opinion 1 at the  
22 top of Page 3, can you tell me, does  
23 that mean that if the acids did  
24 increase mobility of metal



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1 contaminants that there would have  
2 been increased response costs?

3 THE WITNESS: Can you repeat  
4 that question, please.

5 (The court reporter read  
6 back the following:

7 "Q. Looking at Opinion 1  
8 at the top of Page 3, can you tell  
9 me, does that mean that if the acids  
10 did increase mobility of metal  
11 contaminants that there would have  
12 been increased response costs?")

13 THE WITNESS: No, that's not  
14 what that says. No.

15 BY MS. TROJECKI:

16 Q. So when you speak about  
17 increased response costs in Opinion  
18 1, what's the point you are trying to  
19 get at?

20 A. With respect to the  
21 opinions in this report, I was  
22 responsible for Opinion 2B and 3A.

23 The remainder of the  
24 report -- I wrote the Introductory



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1 History section, and those are the  
2 two opinions that were my  
3 responsibility, that I developed.  
4 The other ones were developed by Dr.  
5 Roetzer and Dr. Short.

6 Q. So do you feel that you are  
7 not an expert to testify regarding  
8 the subject matters in the other  
9 opinions?

10 MR. PETTIT: Object to the  
11 form.

12 THE WITNESS: Those opinions  
13 were drawn and developed by Dr. Short  
14 and Dr. Roetzer, actually while I was  
15 out of the country, so I was not part  
16 of the development of those opinions.

17 I developed my opinions and  
18 was out of the country from September  
19 7th to September 30th on a  
20 Mediterranean cruise.

21 BY MS. TROJECKI:

22 Q. I'm sorry, can you repeat  
23 those dates?

24 A. Excuse me?



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1 Q. Can you repeat those dates?

2 A. Yes. I was out of the  
3 country from the 7th of September  
4 until the 30th of September, 25th  
5 wedding anniversary Mediterranean  
6 cruise.

7 Q. So are the opinions  
8 contained in this report that are the  
9 ones not drafted by you your opinion?

10 A. I do not disagree with  
11 those opinions, but I did not develop  
12 those opinions.

13 Q. Did you have anything to do  
14 with the drafting of Opinion 1B,  
15 specifically regarding areas down  
16 gradient of the source area? Did you  
17 contribute in any way to Opinion 1B?

18 A. No, I did not.

19 The only time that I saw  
20 this was on the 13th of September an  
21 e-mail was -- I was able to actually  
22 get an e-mail of the draft, of our  
23 draft before it went to Mr. Pettit,  
24 and I reviewed it, made some



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1 grammatical small changes and sent it  
2 back to Dr. Roetzer, so no.

3 Q. And did you have anything  
4 to do with Opinion 1C?

5 A. No, I did not.

6 Q. So in the paragraph under  
7 the five bullets there where it  
8 speaks about high groundwater flow  
9 rates and mobile constituents would  
10 have rapidly migrated down gradient  
11 of the source areas, are those your  
12 opinions?

13 A. You can -- I think those  
14 opinions or similar to that are  
15 illustrated in the Opinion 2B that I  
16 made with respect to the movement of  
17 the organic contaminants that were  
18 illustrated in the modeling report  
19 that was done by another consultant.

20 Q. Do you adopt the opinions  
21 in 1C as your own?

22 A. Those aren't my own. Those  
23 were -- as I said, those were  
24 developed by Dr. Short and Dr.



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1 Roetzer.

2 They may have read my  
3 opinion -- they had my two opinions  
4 that were developed before they  
5 started working on theirs.

6 They may have used that as  
7 part of incorporating that into their  
8 opinions, but I don't know if they  
9 did that or not.

10 Q. For right now, then, let's  
11 start with the first opinion that you  
12 did develop, which is Opinion 2B.  
13 Can you paraphrase what the point  
14 that you are trying to make is in  
15 Opinion 2B?

16 A. Yes. In Opinion 2B I'm  
17 stating that using the modeling  
18 report that Brown & Caldwell  
19 developed that it was illustrated  
20 that organic contaminants had  
21 migrated from source areas past the  
22 area where remediation or capture of  
23 the plume was determined to be  
24 necessary in the ROD.



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1                   And that that plume had  
2                   already extended past where the  
3                   interceptor trends went and therefore  
4                   remediation was necessary from  
5                   contamination that was deposited on  
6                   the site prior to any releases of --  
7                   any potential releases of Ashland  
8                   material.

9                   Q.       So is the opinion limited  
10                  to -- I mean, are you only trying to  
11                  say that the remediation -- or are  
12                  you only trying to say that the  
13                  groundwater extraction remedy was put  
14                  in to remediate releases prior to  
15                  1976 and that's it?

16                  A.       No.   I'm saying that those  
17                  prior releases as illustrated in the  
18                  modeling report created an organic  
19                  groundwater plume that had already  
20                  extended, you know, past where  
21                  interception was necessary and  
22                  actually had showed that it had  
23                  actually migrated into the swampy  
24                  area past that.

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1 approximate surface elevation  
2 locations, what do you mean by  
3 approximate? Did you approximate  
4 them?

5 A. I used the surface  
6 elevation map, looked at the --  
7 transposed the locations off of these  
8 exhibits just to their location on  
9 the map.

10 And then looked at the  
11 elevation contours that those  
12 areas -- that those areas crossed to  
13 look at the elevation -- the variance  
14 here is dependent on how the hot spot  
15 is located with respect to the  
16 topography and how the land is  
17 dipping down.

18 So these are within  
19 approximate. They are probably  
20 within, I would guess within a couple  
21 of feet.

22 Q. Five, ten feet?

23 A. No, not ten. No. No.  
24 They are probably within a couple of



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1 feet.

2 Q. Two? Two to five? What do  
3 you mean by couple?

4 A. Two.

5 MS. TROJECKI: Do you want  
6 to take a break?

7 (Recess taken)

8 BY MS. TROJECKI:

9 Q. Turning to Page 3 of your  
10 report, I want to ask you about the  
11 last sentence, "Based on the actual  
12 groundwater monitoring data at the  
13 site, there is no evidence that acid  
14 waste could have affected metal  
15 transport in areas down gradient of  
16 the source area."

17 Do you know what is meant  
18 by source area in that sentence?

19 A. I believe the -- again, I  
20 didn't write this opinion, but I  
21 believe that that's referring to --  
22 as a source area would have been the  
23 area where there was a potential  
24 release of the acid waste.



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1 Q. If I gave you a map of the  
2 site, would you be able to indicate  
3 which area is meant by source area in  
4 this sentence?

5 A. I would assume the source  
6 areas are the same as indicated on  
7 the -- that I indicated on this  
8 figure here earlier in my testimony,  
9 on Roetzer Exhibit 2.

10 Q. And when you say assume,  
11 you are not really sure what is meant  
12 by source area there?

13 A. I'm assuming that that's  
14 what Dr. Short and Dr. Roetzer meant.

15 Q. So areas down gradient --  
16 just to back up, you are assuming  
17 that they meant these source areas  
18 that you have indicated in red as the  
19 areas where Shaak and DeRewal may  
20 have allegedly dumped spent acid  
21 waste. Is that right?

22 I just want to make sure  
23 the record is clear when you said  
24 that you assume they are in the areas



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1 on Roetzer-2, which areas that is.

2 A. Yes, that's correct.

3 Q. And the areas down gradient  
4 of the source area would be, on your  
5 map, areas that we have already  
6 discussed as far as, you know, where  
7 the groundwater direction flow is.  
8 Correct?

9 A. Correct.

10 Q. And what is it about the  
11 actual groundwater monitoring data at  
12 the site that tells us that the acid  
13 waste could not have affected metal  
14 transport in those down gradient  
15 areas?

16 A. Only -- at least in the  
17 data that was looked at in this  
18 opinion by Dr. Roetzer and Dr. Short,  
19 there was only two wells out of, I  
20 don't know how many wells they  
21 monitored at that point, that  
22 actually had a pH, an acidic pH or a  
23 pH below the normal range of 6 to 8.

24 There's only two out of I'm



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1 not sure how many wells were sampled  
2 during that period, but 20, 30 wells,  
3 it shows that there is only --  
4 there's only two wells that showed  
5 that range of a pH below 6.

6 Q. And is there any other  
7 basis or any other groundwater  
8 monitoring data that's relied upon?

9 A. Not that I'm aware of.

10 Q. And turning to Page 4 of  
11 your report, I want to refer you to  
12 the paragraph immediately under the  
13 bullets. Midway in that paragraph  
14 the sentence that starts "Due to the  
15 relatively high groundwater flow  
16 rates near the source areas at the  
17 site."

18 What is meant by source  
19 areas in that sentence?

20 A. Again, I didn't write this.  
21 Give me a minute to read it.

22 Those source areas are  
23 the -- I believe they are referring  
24 to source areas as any potentially



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1 known areas where metal finishing  
2 wastes were released and what they  
3 are talking about earlier in the  
4 opinion.

5 Q. Do you have any opinion or  
6 did you analyze where potential metal  
7 finishing wastes would have been  
8 disposed of at the site?

9 A. No, I did not.

10 Q. Did you do any calculations  
11 of groundwater flow rates and what  
12 those areas may have been? I guess  
13 not, if you didn't do any analysis as  
14 to where they were.

15 A. No, I'm not aware of that.

16 Q. And does the groundwater  
17 flow model that you refer to in  
18 Opinion 2B of your report, and I'm  
19 speaking about Jamieson-1, does that  
20 information apply only to the TCE  
21 plume or does it apply to --

22 A. No. They were using --  
23 that was strictly modeling of TCE,  
24 yes.



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1 Q. Did you draft the site  
2 history section of this report?

3 A. Yes, I did.

4 Q. I am going to show you what  
5 we marked yesterday as Roetzer  
6 Exhibit 3, and it's a draft copy of  
7 the report. If you could turn to the  
8 first page of that draft report.

9 A. The first page?

10 Q. The first page of text  
11 under Site History.

12 And the end of the first  
13 paragraph of the draft report there's  
14 a phrase there that says "Waste was  
15 disposed of at the site from the  
16 early 1970s to 1977." Do you see  
17 that?

18 A. The last --

19 MR. PETTIT: The first  
20 paragraph.

21 THE WITNESS: I'm sorry, I  
22 was looking at the wrong paragraph.

23 BY MS. TROJECKI:

24 Q. Right, the first paragraph.



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1 Do you see what section I'm  
2 referring to?

3 A. Yes. Uh-huh.

4 Q. In your final report that  
5 was changed to beginning in the early  
6 1970s. Do you see that?

7 A. Uh-huh.

8 Q. Did you make that change?

9 A. No.

10 Q. Do you know who did make  
11 that change?

12 A. It would probably have been  
13 Dr. Roetzer or Dr. Short.

14 Q. Do you know why that change  
15 was made?

16 A. No.

17 Q. Can you turn to your CV. I  
18 just want to quickly go through your  
19 background.

20 (Discussion off the  
21 record.)

22 BY MS. TROJECKI:

23 Q. I see you went to the  
24 University of Waterloo in 1979.



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1 Q. Did they point out to you  
2 in the deposition transcripts  
3 particular testimony regarding the  
4 alleged disposal locations or did you  
5 find that yourself?

6 A. If I recall correctly, I  
7 think they said, you know, look in  
8 these -- they told us what -- we  
9 received a lot of information and  
10 told us where we might locate some of  
11 these maps where the alleged  
12 locations were located.

13 Q. Do you do your work for  
14 Alternative Environmental Strategies  
15 at home or at your office in Tetra  
16 Tech?

17 A. Mostly at home. There's  
18 some e-mails that were sent to my  
19 office and things of that nature, but  
20 I do that work separately at home,  
21 yes.

22 Q. So do you have two separate  
23 e-mail accounts?

24 A. I do. I have a Yahoo



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1 e-mail account and I have my work  
2 one. A number of the things -- a  
3 number of the e-mails were sent to my  
4 work just because they get to me more  
5 quickly.

6 Q. But they would have been  
7 sent to both or were some e-mails  
8 regarding this case sent to both  
9 e-mail addresses?

10 A. I know when Jim sent the --  
11 when I was out of the country, I  
12 couldn't access my company e-mail and  
13 Jim sent me the -- when they sent me  
14 the draft report on the 13th of  
15 September, that was through my Yahoo  
16 just because it was the only way to  
17 get ahold of me. There wasn't too  
18 many through Yahoo.

19 Q. Did you actually work on  
20 the draft report when you were in  
21 your Tetra Tech office?

22 A. No. I worked on it at  
23 home.

24 Q. Did you prepare a draft of



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1 your sections as a Word document?

2 A. Yes.

3 Q. Did you save that Word  
4 document on your home computer or on  
5 your work computer?

6 A. I have a laptop that I use.  
7 I use in both places.

8 Q. So it's saved on the laptop  
9 and that's it?

10 A. No. It was -- you know  
11 company policies, as you get through  
12 drafts of things you get rid of the  
13 old drafts just because you don't  
14 want to get them confused with the  
15 new ones, so I don't have an  
16 electronic copy of that anymore.

17 Q. But as you were working on  
18 it, where did you save it?

19 A. It would have been on the  
20 hard drive of my laptop, yes.

21 Q. And you have actually gone  
22 in and deleted it from the hard drive  
23 of your laptop. Is that correct?

24 A. Yeah, once we -- when I got



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1 back from vacation the final had  
2 already been completed, so I cleaned  
3 it up, yes.

4 Q. Did you send copies of your  
5 portions of -- I guess, how did your  
6 portions of the report get  
7 incorporated into the final report?

8 A. I e-mailed my two opinions  
9 and the history I had done and I  
10 guess a copy of a cover page with my  
11 signature on it. I may have Fed Ex'd  
12 that to Jim, I'm not sure, the cover  
13 page.

14 I sent the opinions and  
15 that to Leigh and Jim just before I  
16 left the country.

17 Q. And were they all on one  
18 document?

19 A. Yes. Uh-huh. Yes.

20 Q. And you sent that by  
21 e-mail?

22 A. Yes.

23 Q. From which account?

24 A. Probably from Yahoo, but



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ORAL DEPOSITION OF GORDON R. JAMIESON, PG, 12/20/06

1 I'm not certain. It would depend.  
2 If I'm working at home, I can access  
3 either e-mail account, so I'm not  
4 certain which one I sent it on.

5 Q. Did you send it from home?

6 A. I was at home.

7 Q. Oh, you were at home when  
8 you finally sent it?

9 A. Yes.

10 Q. So you didn't send Jim or  
11 Leigh any draft copies of your report  
12 until you actually got back from the  
13 Mediterranean, is that it?

14 A. Oh, no. It was before I  
15 went.

16 We were engaged on the  
17 21st. I finished up my work by  
18 probably around the 4th, which would  
19 have been I think the long weekend, I  
20 worked all through the long Labor Day  
21 weekend. And then either on the 4th  
22 or 5th sent it to Jim.

23 And I left San Diego on the  
24 6th and then to New Jersey and then



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1 on the 7th left for Europe.

2 Q. So on the 4th or 5th you  
3 sent your report by e-mail to Dr.  
4 Short and Dr. Roetzer?

5 A. Yes. That's correct.

6 Q. And did you send a signed  
7 copy of the signature page at that  
8 time, too?

9 A. Yes, so that they had my  
10 signature on it.

11 Q. Because you weren't going  
12 to be around.

13 A. I wasn't going to be around  
14 before it had to be submitted.

15 Q. So you deleted the draft  
16 copy from your hard drive. Did you  
17 also delete the e-mail that you sent  
18 to Dr. Short and Dr. Roetzer?

19 A. Yes. It's probably gone  
20 too, I would expect. I clean out my  
21 e-mail quite often. It gets too big.

22 Q. Do you have a routine  
23 practice of cleaning out the e-mail,  
24 cleaning out your e-mail?



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1           A.       Yes.   And actually, in the  
2 office, e-mails are only kept for 60  
3 days and then they are automatically  
4 deleted at work if they are not  
5 archived.

6           Q.       So if you would have sent  
7 it from work, it would have been  
8 automatically deleted in 60 days.   Is  
9 that right?

10          A.       Yes, unless I archived the  
11 e-mails.   I'm pretty sure it was sent  
12 from home.

13          Q.       Oh, from the --

14          A.       From the Yahoo account,  
15 yes.

16          Q.       And do you have a routine  
17 practice of deleting the e-mails from  
18 your Yahoo account?

19          A.       Yeah, just the ones I don't  
20 need or getting too big.   And also,  
21 as I said, it's company policy  
22 getting rid of any drafts of  
23 documents so you don't get things  
24 confused as you move forward.



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ORAL DEPOSITION OF GORDON R. JAMIESON, PG, 12/20/06

1 Q. When did you delete it from  
2 your hard drive?

3 A. I don't recall.

4 Q. Is it something that you  
5 think you would have done, you know,  
6 the day that you sent the e-mail, the  
7 day the final --

8 A. Oh, no. It would have been  
9 at some point after I returned from  
10 vacation.

11 Q. Did you visit the site  
12 prior to drafting your portions of  
13 the report?

14 A. Not prior, no. It was  
15 after the report was submitted.

16 Q. And when did you visit the  
17 site?

18 A. Last Tuesday.

19 Q. What was the purpose of  
20 that visit?

21 A. Just to go to the site and  
22 make sure that the lay of the land  
23 and what I had seen in the reports  
24 and all that stuff, just doing a



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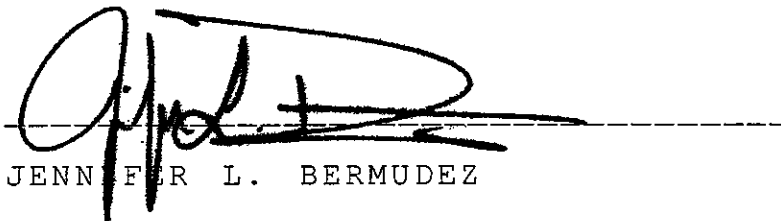
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CERTIFICATION

I, JENNIFER L. BERMUDEZ, a Court Reporter in and for the Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



JENNIFER L. BERMUDEZ

Court Reporter and Notary Public

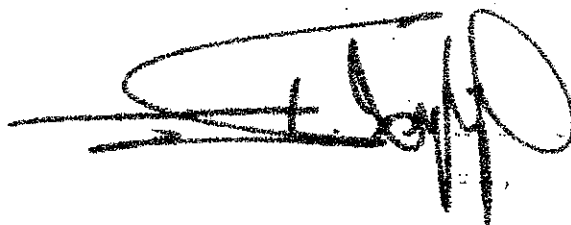


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A handwritten signature in black ink, appearing to be "J. L. [unclear]", located in the lower right quadrant of the page.